

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 105532-738-PCT	FOR FURTHER ACTION		See item 4 below
International application No. PCT/US2005/001412	International filing date (<i>day/month/year</i>) 14 January 2005 (14.01.2005)	Priority date (<i>day/month/year</i>) 16 January 2004 (16.01.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant CLIQUE COMMUNICATIONS LLC			

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).																								
2.	This REPORT consists of a total of 4 sheets, including this cover sheet. In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 60%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Date of issuance of this report 28 December 2006 (28.12.2006)</td> </tr> <tr> <td style="padding: 5px;">Authorized officer <div style="text-align: center; font-weight: bold;">Athina Nickitas-Etienne</div></td> </tr> <tr> <td style="padding: 5px;">e-mail: pt04@wipo.int</td> </tr> </table>	Date of issuance of this report 28 December 2006 (28.12.2006)	Authorized officer <div style="text-align: center; font-weight: bold;">Athina Nickitas-Etienne</div>	e-mail: pt04@wipo.int
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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GOODWIN PROCTER LLP
103 EISENHOWER PARKWAY
ROSELAND, NJ 07068

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **28 NOV 2005**

Applicant's or agent's file reference

105532-738-P

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US05/01412

International filing date (day/month/year)

14 January 2005 (14.01.2005)

Priority date (day/month/year)

16 January 2005 (16.01.2005)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): G06F 15/16 and US Cl.: 709/204,227,228,232,233,237

Applicant

CLIQUE COMMUNICATIONS, LLC

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (571) 273-3201

Date of completion of this opinion
11 December 2005 (11.12.2005)

Authorized officer
Andrew Caldwell *Andrew Caldwell*
Telephone No. 703-305-3800

Form PCT/ISA/237 (cover sheet) (April 2005)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/01412

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in electronic form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US05/01412

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-16</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-16</u>	NO
Industrial applicability (IA)	Claims <u>1-16</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-16 novelty under PCT Article 33(2) as being anticipated by U.S. Patent Number 6,088,732 to Smith et al..

As to claim 1, Smith teaches a method of initializing a video system, said video system including at least a first and a second endpoint connected via a communications network; said method including: determining first endpoint parameters of said first endpoint; sending said first endpoint parameters along with an invite request message to said second endpoint; receiving said invite request message and first endpoint parameters at said second endpoint; determining second endpoint parameters of said second endpoint; sending an acknowledgement message along with said second parameters to said first endpoint; and initializing said first and second endpoints using the parameters of the other endpoint to select appropriate parameter values by referring to predefined common look-up tables and predefined rules at said first and second endpoints (col. 7, line 50-col. 8, line 6).

As to claim 2, Smith teaches a method as in claim 1 wherein said communications network is a local area network, wide area network, satellite network, wireless communications network, value added network, telephone network, private leased line network or any combination of the foregoing (col. 7, line 50-col. 8, line 6).

As to claim 3, Smith teaches a method as in claim 2 wherein said communications network is the Internet (col. 7, line 50-col. 8, line 6).

As to claim 4, Smith teaches a method as in claim 1 wherein each of said endpoints is a video enabled system (col. 7, line 50-col. 8, line 6).

As to claim 5, Smith teaches a method as in claim 4 wherein each of said endpoints is a computer system (col. 7, line 50-col. 8, line 6).

As to claim 6, Smith teaches a method as in claim 1 wherein said first and second endpoint parameters include performance characteristic parameters (col. 7, line 50-col. 8, line 6).

As to claim 7, Smith teaches a method as in claim 6, wherein said performance characteristics parameters include first and second endpoint CPU speeds, first and second endpoint ordinal profiles, a set of predefined encoding formats appropriate for second endpoint decoding; a current frame size and a current frame rate and a current encoder format (col. 7, line 50-col. 8, line 6).

As to claim 8, Smith teaches a method as claim 7 wherein said initialization step further comprises; if said second endpoint cannot decode said current encoder format then assigning said current encoder format to an encoding format appropriate for second endpoint decoding based on said predefined rules; otherwise, obtaining, using said current frame size, first, second, and third cost factors of said first or second endpoints from said predefined common tables; wherein said first cost factor is the number of CPU clock cycles to encode a frame on said first endpoint; said second cost factor is the number of CPU clock cycles to decode a frame on said second endpoint; and said third cost factor is the number of CPU clock cycles to render a frame on said second endpoint (col. 7, line 50-col. 8, line 6).

As to claim 9-16, they feature the same limitations as claims 1-8 and are anticipated for the same reasoning as claim 1-8.